

PUBLISHERS WEEKLY
May 9, 1980

STAT

**AAP Asks Congress to Limit
CIA PrePublication Review**

The 300-plus members of the Association of American Publishers agree that there should be legislation to limit the scope of the CIA's prepublication review process. Congress was told April 24.

Although AAP representatives cautioned that there were "no official or final views" by the AAP on the issue, they said, "there are certain basic points with which we are confident that a substantial body of our membership would currently agree."

Henry R. Kaufman, a vice-president and general counsel of the AAP, and Richard P. Kleeman, a vice-president and director of the Washington AAP office, testified before a House Intelligence Subcommittee.

Kaufman told the panel that regardless of what legislative or administrative action is taken with regard to prepublication review of manuscripts by the intelligence agencies, the two branches of government should include three safeguards to overcome the possible effect of the Supreme Court ruling that Frank Snepp should have submitted his book "Decent Interval" (*Random House*), to the CIA for review before publication.

"The Snepp decision must not be applied to publishers or others with no direct, contractual relationship to the government," was the first point upon which AAP members agree, Kaufman said. "Secondly, prepublication review contracts—if they are to be used at

all—should be strictly confined to employees with access to properly classified information involving foreign intelligence and counterintelligence," Kaufman said. "Finally, the ultimate authority for censoring materials submitted by former government employees should be lodged in an independent reviewing agency of some kind."

Kleeman told *PW* that it would be some time in June, after the AAP's annual meeting in Colorado Springs, Colo., May 8-10, before the association could present a consensus on any proposed legislation to deal with the Snepp case.

Kaufman said that, at present, AAP members fall on all sides of the issue, but, "We believe we are speaking for a more substantial middle group in suggesting the establishment of some form of Congressional or joint Congressional-executive review apparatus composed of persons who are well-qualified, security-sophisticated and totally trustworthy, to conduct either the initial agency-level review or an appeal therefrom."

Also on the panel testifying at the April 24 hearing was Theodore J. Jacobs, director of the Fund for Constitutional Government's project for open government. He warned that the Supreme Court decision in the Snepp case could be interpreted as broad enough to suggest "that the publisher can clearly be subjected to a constructive trust," the arrangement under which Snepp had to place in escrow all his royalties, eventually to go to the U.S. Treasury.

Another hearing on the Snepp decision has been set for May 20 by Rep. Don Edwards (D., Calif.), chairman of the House Judiciary Committee's Civil and Constitutional Rights Subcommittee.

In announcing his hearing, Edwards said the situation "violates a key principle of our legal system, which is that government may not impose any form of prior censorship on free speech." The First Amendment, he said, "was written specifically to forbid the kind of laws then prevalent in 17th century England that required a government license to publish books." H.F.